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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,856	03/29/2001	Hideo Goto	205108US2	3774
22850	7590	10/13/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			JARRETT, SCOTT L	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/819,856	Applicant(s) GOTO ET AL.	
	Examiner Scott L. Jarrett	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1:121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 11, 2006 has been entered.

Applicant's amendment canceled claims 1-45 and added new claims 46-52. Currently claims 46-52 are pending.

Response to Amendment

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Response to Arguments

3. Applicant's arguments with respect to claims 46-52 have been considered but are moot in view of the new ground(s) of rejection.

Regarding Applicant's for support of the officially noticed fact(s) in the previous office action, support was provided and can be found on pages 4-5 of the office action mailed June 6, 2006 and reproduced below for the Applicant's convenience.

"Further it is noted that enabling mobile telephones to interact with one or more remote systems (e.g. interactive voice response systems) as well as providing mobile telephones with Internet browsers (e.g. Wireless Application Protocol) so they may access and/or interact with web-based systems is old and very well known as supported by at least the following references:

- Dean et al., as previously cited, U.S. Patent No. 6,167,379 (Column 2, Lines 5-41; Column 4, Lines 14-47; Column 6, Lines 49-60; Figures 2-3);
- BellSouth Delivers the Internet to Wireless Phones; Customer Trial of Wireless Application Protocol (WAP) based services begins (1999; Abstract; Paragraphs 4-6, Page 1); and
- Richman, Dan, Microsoft Builds More Muscle in Wireless Internet (1999; Abstract; Last Paragraph, Page 1).

Further that the mobile device was a mobile telephone, wireless personal digital assistance, two-way pager or any other apparatus equipped with an Internet browser are obvious equivalents and/or variants of one another directly substitutable."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., setting both normal and temporary/special event work schedules) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 46-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pipkin, Inc.'s Maxima Advantage system (Pipkin) characteristics and features of which are disclosed in at least the following supporting references:

- I. Pipkins.com Web Pages (May, 1998), herein after reference A;
 - II. Pipkins.com Web Pages (November, 1999), herein after reference B; and
 - III. Pipkins Enhances Industry-Leading Workforce Management System with New Wireless Capability (January, 2000), herein after reference C;
 - IV. Maxima Advantage (June, 2000), herein after reference D.
- in view of O'Brien, Kenneth, U.S. Patent No. 6,587,831.

Regarding Claims 46, 51 and 52 Pipkin teaches a work management system and method comprising:

- a management apparatus (subsystem, component, server, etc.) connected to a plurality of mobile devices (remote terminals, personal digital assistance, wireless communication devices, web enabled handheld devices, etc.; WAVE; reference B: Paragraphs 1-2, Page 2; Page 6; Page 9; reference C: Page 1; reference D: Column 1, Bullet 5, Page 97; Figures 2a-2b);

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- setting a number of persons needed for each predetermined time slots on each day, via a first information acquiring unit (component, code, subsystem, device, etc.; forecasting, correlated forecasting, staffing requirements; reference A: Paragraph 2, Page 1; Pages 7, 12; Figures 7-8; reference B: Page 8; reference C: Paragraphs 2-3, Page 2; reference D: Column 1, Bullet 1, Page 97);

- setting a date of an event (marketing, promotional, mailings, etc.) and a number of people needed for each of predetermined time slots on the date of the event via a second information acquiring unit (subsystem, code, screen, etc.; correlated forecasting; reference A: Paragraph 2, Page 7; Pages 10-11; Figures 10-11; reference B: Paragraph 1, Page 5; Page 8; reference C: Paragraph 2, Page 2; reference D: Column 1, Bullet 1, Page 97);

- storing the acquired first/second information (work management file, database; reference A: Paragraphs 1, 4, Page 1; reference D: Column 2, Page 94; Last Bullet, Page 96; Column 1, Bullet 2, Page 97; Column 3, Paragraph 3, Page 98);

- storing employee information (employee information file, database; skills, preferences, adherence, etc.; reference A: Paragraphs 1, 4, Page 1; Page 13; Figure 13; reference B: Paragraphs 3-5, Page 2; reference D: Column 2, Page 94; Last Bullet, Page 96; Column 1, Bullet 2, Page 97; Column 3, Paragraph 3, Page 98);

- displaying a selectable menu screen/button including a (temporary, event, week, day, month, etc.) shift table generation button (link; SkillSense scheduling; reference A: Pages 5-6, 7, 9; Figure 5; reference B: Paragraphs 2-3, Page 4; Paragraph

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1, Page 5; Pages 6, 9; reference C: Paragraphs 1-2, 4, 6, Page 1; reference D: Last Bullet, Page 96; Column 1, Last Paragraph, Page 98; Figure 1);

- generating a temporary (irregular, overtime, extra shift, special event, etc.) shift table (schedule) which temporarily sets employee work schedules based on the work and employee information via a temporary shift generation unit (subsystem, program, routine, etc.; i.e. setting staff/agent schedules in anticipation of the temporarily/fixed time marketing event; reference A: Paragraph 2, Page 7; reference A: Pages 5-6, 9-11; Figures 5, 10-11; reference B: Paragraph 1, Page 5; Page 8; reference C: Paragraph 2, Page 2; reference D: Column 1, Bullet 1, Page 97);

- distributing, to mobile devices, an address for browsing the temporary shift table (work schedule, assignments, etc.; WAVE; reference B: Paragraphs 1-2, Page 3; Paragraphs 1-2, Page 6; Paragraph 2, Page 7; Page 9; reference C: Abstract; Paragraphs 4-6, Page 1; Paragraph 7, Page 2; reference D: Page 98; Figures 2a-2b); and

- wherein the mobile devices (handheld PC, "Any Wireless Browser-Enabled Device") comprise (WAVE; reference B: Paragraphs 1-2, Page 3; Paragraphs 1-2, Page 6; Paragraph 2, Page 7; Page 9; reference C: Abstract; Paragraphs 4-6, Page 1; Paragraph 7, Page 2; reference D: Page 98; Figures 2a-2b):

- a display unit for displaying temporary shift table information;

- a response/information sending unit for sending response information

indicating the approval of the temporary shift table (work assignment) or requesting re-organizing of the temporary shift table.

While Pipkin teaches the utilization of well-known wireless capabilities to remotely access the work management system via any wireless browser enabled device wherein users access a web address to view, modify and review shift schedules Pipkin does not expressly teach distributing an email including an address to the mobile phones as claimed.

O'Brien teaches distributing an email schedule notifications (messages, bulletins; Column 6, Line 68; Column 7, Lines 1-12) in an analogous art of network-based workforce scheduling for the purposes of notifying users (managers, employees, etc.) of work schedules, revised as well as final, shift requests, schedule changes and the like (Column 6, Lines 1-68; Column 4, Lines 45-68; Figures 1-2) as well as enabling users to remotely, over the Internet via a plurality of remote terminals, view and modify work schedules (Column 7, Lines 1-50; Figures 1-2).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for work management as taught by Pipkin would have benefited from notifying users of the shift schedules by sending an email to one or more user mobile devices including but not limited to mobile phones in view of the teachings of O'Brien, the resultant system/method notifying users (managers, employees, etc.) of work schedules, shift requests, schedule changes and the like (O'Brien: Column 6, Lines 1-68; Column 4, Lines 45-68; Figures 1-2) as well as enabling users to remotely,

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over the Internet via a plurality of remote terminals, view and modify work schedules (O'Brien: Column 7, Lines 1-50; Figures 1-2).

Further it is noted that enabling mobile telephones to interact with one or more remote systems (e.g. interactive voice response systems) as well as providing mobile telephones with Internet browsers (e.g. Wireless Application Protocol) so they may access and/or interact with web-based systems is old and very well known as supported by at least the following references:

- Dean et al., as previously cited, U.S. Patent No. 6,167,379 (Column 2, Lines 5-41; Column 4, Lines 14-47; Column 6, Lines 49-60; Figures 2-3);
- BellSouth Delivers the Internet to Wireless Phones; Customer Trial of Wireless Application Protocol (WAP) based services begins (1999; Abstract; Paragraphs 4-6, Page 1); and
- Richman, Dan, Microsoft Builds More Muscle in Wireless Internet (1999; Abstract; Last Paragraph, Page 1).

Further that the mobile device was a mobile telephone, wireless personal digital assistance, two-way pager or any other apparatus equipped with an Internet browser are obvious equivalents and/or variants of one another directly substitutable.

Regarding Claim 47 Pipkin teaches a work management system and method further comprising setting an employee (staff, personnel, user, etc.) priority/ranking and

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reordering stored employee information based on the set employee priority/ranking/seniority (reference A: Page 13; Figure 13; reference C: Paragraph 3, Page 2; reference D: Column 1, Bullet 3, Page 97).

Regarding Claim 48 Pipkin teaches a work management system and method further comprising setting and storing a day off (vacation, availability, attendance preferences, etc.) of an employing company (reference A: Figures 6, 9; reference B: Paragraph 5, Page 2; reference C: Paragraphs 3, 7, Page 2).

Regarding Claim 49 Pipkin teaches a work management system and method further comprising grouping employees according to types of jobs (skill types/groups, queues, call types, team, etc.) in an employing company or workable time slots (reference A: Paragraph 2, Page 1; Paragraph 1, Page 7; Paragraph 2, Page 12; Figures 5, 7; reference C: Paragraph 4, Page 2; reference D: Columns 2-3, Page 97).

Regarding Claim 50 Pipkin teaches teach a work management system and method further comprising (WAVE, Wireless Advantage; reference B: Paragraphs 1-2, Page 3; Paragraphs 1-2, Page 6; Paragraph 2, Page 7; Page 9; reference C: Paragraphs 1-3, 5, 7-8, Page 1; Paragraph 7, Page 2):

- receiving response information from the mobile telephones (wireless device);
- generating a settled (final, agreed upon, etc.) shift table (schedule) based on the received response information; and

- distributing, to mobile devices, an address for browsing the settle shift table (work schedule).

While Pipkin teaches the utilization of well-known wireless capabilities to remotely access the work management system via any wireless browser enabled device wherein users access a web address to view, modify and review shift schedules Pipkin does not expressly teach distributing an email including an address to the mobile phones as claimed.

O'Brien teaches distributing an email schedule notifications (messages, bulletins; Column 6, Line 68; Column 7, Lines 1-12) in an analogous art of network-based workforce scheduling for the purposes of notifying users (managers, employees, etc.) of work schedules, revised as well as final, shift requests, schedule changes and the like (Column 6, Lines 1-68; Column 4, Lines 45-68; Figures 1-2) as well as enabling users to remotely, over the Internet via a plurality of remote terminals, view and modify work schedules (Column 7, Lines 1-50; Figures 1-2).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for work management as taught by Pipkin would have benefited from notifying users of the shift schedules by sending an email to one or more user mobile devices including but not limited to mobile phones in view of the teachings of O'Brien, the resultant system/method notifying users (managers, employees, etc.) of

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work schedules, shift requests, schedule changes and the like (O'Brien: Column 6, Lines 1-68; Column 4, Lines 45-68; Figures 1-2) as well as enabling users to remotely, over the Internet via a plurality of remote terminals, view and modify work schedules (O'Brien: Column 7, Lines 1-50; Figures 1-2).

Further it is noted that enabling mobile telephones to interact with one or more remote systems (e.g. interactive voice response systems) as well as providing mobile telephones with Internet browsers (e.g. Wireless Application Protocol) so they may access and/or interact with web-based systems is old and very well known as supported by at least the following references:

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- BellSouth Delivers the Internet to Wireless Phones; Customer Trial of Wireless Application Protocol (WAP) based services begins (1999; Abstract; Paragraphs 4-6, Page 1); and
- Richman, Dan, Microsoft Builds More Muscle in Wireless Internet (1999; Abstract; Last Paragraph, Page 1).

Further that the mobile device was a mobile telephone, wireless personal digital assistance, two-way pager or any other apparatus equipped with an Internet browser are obvious equivalents and/or variants of one another directly substitutable.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Crockett, Gary, U.S. Patent No. 5,325,292, teach a work management system and method comprising generating both short-term (e.g. special events, temporary) and long-term work schedules (shift tables) based on a plurality of work and employee information.

- Castonguay et al., U.S. Patent No. 5,911,134, teach a work management system and method comprising generating and revising shift tables (schedules) based on a plurality of information including not limited to varying service demand (e.g. special events/days, seasonality) and staff preferences.

- Leamon et al., U.S. Patent No. 7,058,589, teach a work management system and method comprising generating staff work schedules (shift tables), including preliminary (temporary) and final/complete schedules, based on vary demand (e.g. event loads) and staff preferences.

- Breitenbach et al., U.S. Patent Publication No. 2002/0016729, teach a work management system and method for scheduling products and services associated with one or more events.

- Thompson, Gary, Controlling Action Times in Daily Workforce Schedules (1996), teaches a method for generating workforce schedules that meet customer demands, business criteria and workforce preferences. Thompson further teaches the availability of real-time schedule control systems (mechanisms), which enables

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managers to adjust workforce parameters such as size, timing and activities in order to meet varying demand (e.g. send employees home sooner/later than originally planned, call in/off employees, etc.).

- Easton et al., Overtime schedules for full-time service workers (1997), teaches a method for modifying workforce schedules (e.g. overtime) in order to meet peak service demand periods.

- Thompson, Gary, Labor Scheduling Part 4 (1999), teaches a work management method for generating shift schedules/tables wherein the schedules are modified using short-term (overtime, sending/recalling employees from break, etc.) and/or long-term actions (sending employees home early) in an effort to match service demand and staffing requirements.

- ABS-USA.com Web Pages (1999) teaches a work management system and method comprising generating a plurality of work/shift tables (schedules) for review, approval and distribution to a plurality of users.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


SJ

10/12/06


Romain Leauty
Primary Examiner
Art Unit 3623